

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

**KSHETRA MANASH
CHAKRAVARTY**

DEBTORS.

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§ **CASE NUMBER: 20-34857**

§

§ **CHAPTER 13**

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**DEBTOR'S EMERGENCY MOTION FOR
APPROVAL OF SALE OF PROPERTY**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD CONTACT THE MOVANT TO RESOLVE THE DISPUTE. IF YOU AND THE MOVANT CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVANT. YOU MUST FILE A RESPONSE WITHIN 24 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING. REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

EMERGENCY RELIEF HAS BEEN REQUESTED. IF THE COURT CONSIDERS THE MOTION ON AN EMERGENCY BASIS, THEN YOU WILL HAVE LESS THAN 21 DAYS TO ANSWER. IF YOU OBJECT TO THE REQUESTED RELIEF OR IF YOU BELIEVE THAT THE EMERGENCY CONSIDERATION IS NOT WARRANTED, YOU SHOULD FILE AN IMMEDIATE RESPONSE.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Kshetra Manash Chakravarty, “Debtor” herein, and respectfully moves the Court to approve the sale of certain real property on an emergency basis and would show the Court the following:

1. Debtor filed this case on October 2, 2020.

2. Debtor owns exempt real property more commonly known as 914 Mahogany Run Dr, Katy, TX 77494 (the "Property").
3. Debtor desires to sell the Property for a sum sufficient to pay all debts secured by the Property. As such, on September 25, 2020, Debtor entered into an agreement for the sale of the Property (the "Contract") to sell the Property for \$275,000.00 to ARW Capital Partners, LLC dba R&R Home Buyers, a party unknown to Debtor prior to the transaction made the basis of this Motion and who is unrelated to the Debtor. The Contract, and any addenda thereto, set forth a closing date of on or before November 13, 2020. A true and correct copy of the Contract, and any addenda thereto, is attached hereto as **Exhibit "A"**.
4. Such a sale would be in the best interest of the Debtor and Debtor's creditors and would alleviate certain debts of the estate.
5. Debtor has claimed the Property as exempt on his Schedule C filed on October 22, 2020 (Docket No. 12). As such, if the exemptions are allowed, the proceeds from the sale of the Property are wholly exempt for 6 months at which point if they are not reinvested in the purchase of another homestead such proceeds would then be non-exempt.
6. Debtor seeks emergency consideration of this Motion because of the time sensitive nature of the payoff statements for debts secured by the Property and the terms of the Contract. The parties are ready, willing, and able to close this transaction should the Court grant this Motion.
7. Debtor retained Payne & Associates, PLLC to prepare and prosecute this Motion. Payne & Associates, PLLC requests attorney's fees of \$750.00 for the preparation and prosecution of this Motion.

WHEREFORE, PREMISES CONSIDERED, Debtor prays that the Court enter an order allowing Debtor to proceed with the sale of the Property and for such other and further relief as the Court deems just.

Respectfully submitted,

PAYNE & ASSOCIATES, PLLC

/s/ Kyle Kenneth Payne

Kyle Kenneth Payne

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Attorneys for Debtor

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on the following parties, and on the attached list, if any, by first-class mail or by electronic service via the Court's ECF filing system on 11/02/2020:

US Trustee via Electronic Service

US Trustee
Office of the U.S. Trustee
515 Rusk Avenue, Suite 3516
Houston, Texas 77002

Trustee via Electronic Service

David G. Peake
Chapter 13 Trustee
9660 Hillcroft Street, Suite 430
Houston, TX 77096-3860

Debtor via First-Class Mail

Kshetra Manash Chakravarty
914 Mahogany Run Dr
Katy, TX 77494

Via First Class Mail

Falcon Point HOA
c/o Crest Management
17171 Park Row, Suite 310
Houston, TX 77084

Fort Bend County Tax Office
1317 Eugene Heimann Circle
Richmond TX 77469

SN Servicing Corp.
323 5th St.
Eureka CA 95501

/s/ Kyle Kenneth Payne
Kyle Kenneth Payne